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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/933,488 09/18/97 FILEPP

R 1963-4728

EXAMINER

LM51/0910

ISRAEL BLUM
MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK NY 10134

ART UNIT

PAPER NUMBER

2757

DATE MAILED:

09/10/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 4/12/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 33-38 is/are pending in the application.

Of the above, claim(s) 1-32 is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 33-38 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claims are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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1. The response filed April 12, 1999 has been entered and considered by the examiner.
2. The examiner agrees with the applicant's argument that the present application was filed to initiate an interference with a divisional application (it appears that the applicant did have access to the Serial number of the divisional application) of the parent application 07/866, 867. The divisional application which has the serial No. 08/747, 275 which is now US Pat. No. 5,754,864. In Conclusion, the present application is filed to initiate an interference with Pat. No. 5,754,864.
3. Claims 33-38 are presenting for examination.
4. The examiner would like to get the applicant's attention that page 88 is missing from the specification and that page should be provided by the applicant.
5. The following claim number 1 from U.S. Patent No. 5,754,864 is suggested to applicant under 35 U.S.C. 135(a) for the purposes of an interference:

A system for detecting pirated copies of a serialized software program, the system comprising:

a remote computer including a remote memory for storing a program, a remote revision level, and a program serial number;

a main computer including a main memory for storing the program serial number, the remote revision level corresponding to the program serial number, and a validation code for a remote program corresponding to the serial number, the validation code indicating whether the program stored in the remote memory is valid or invalid;

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means for transmitting the remote revision level and the program serial number stored in the remote memory from the remote computer to the main computer;

means for comparing the remote program revision level received from the remote computer to the remote program revision level stored in the main memory corresponding to the program serial number received from the remote computer;

means for changing the validation code to indicate the serial number is invalid upon detection by the comparing means of a difference between the remote program revision level received from the remote computer and the remote program revision level stored in the memory of the main computer corresponding to the program serial number received from the remote computer;

means for detecting whether the program stored in the remote memory is valid or invalid based upon the validation code corresponding to the program serial number received from the remote computer; and

means for denying access to data stored in the memory of the main computer when the program corresponding to the serial number stored in the remote memory is invalid.

The suggested claim must be copied exactly, although other claims may be proposed under 37 CFR 1.605(a).

Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to copy this patent claim. Failure to do so will be considered a concession that the subject matter of this claim is the prior invention of another under 35 U.S.C. 102(g), and

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thus also prior art under 35 U.S.C. 103(a) (In re Oguie, 517 F.2d 1382, 186 USPQ 227 (CCPA 1975)), but will not result in the abandonment of this application. THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this Group is (703) 308-9051.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-305-7201 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor. (Receptionist).

M.M.M, Sep. 7, 1999


MOUSTAFA M. MEKY
PRIMARY EXAMINER